

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
ATHENS DIVISION**

<b>JAMES DORSEY,</b>	:	
	:	
<b>Plaintiff,</b>	:	
	:	
<b>V.</b>	:	
	:	<b>NO. 3:22-cv-00025-CDL-CHW</b>
<b>SHERIFF STEVE THOMAS, et al.,</b>	:	
	:	
<b>Defendants.</b>	:	
	:	

**ORDER OF DISMISSAL**

Plaintiff James Dorsey, a detainee in the Franklin County Detention Center in Carnesville, Georgia, filed a handwritten complaint under 42 U.S.C. § 1983. Compl., ECF No. 1. Because Plaintiff's complaint was not on the Court's § 1983 form, Plaintiff was ordered to recast his complaint on the proper form and was reminded that he must fully answer all questions on the complaint form. Order to Recast, ECF No. 8.

Additionally, Plaintiff had not either paid the \$402.00 filing fee or moved for leave to proceed in this action *in forma pauperis*. Accordingly, Plaintiff was also ordered to either pay the filing fee in full or move for leave to proceed *in forma pauperis*.<sup>1</sup> *Id.* Plaintiff was given fourteen days to take these actions and was cautioned that his failure to

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<sup>1</sup>Plaintiff appeared to have accrued three strikes for the purposes of 28 U.S.C. § 1915(g). *See, eg., Dorsey v. Thomas*, Case No. 3:21-cv-117-CDL-CHW (M.D. Ga. October 29, 2021) (identifying Plaintiff as having accrued three strikes). Thus, Plaintiff was cautioned that he would only be permitted to proceed *in forma pauperis* if he could establish that he was in imminent danger of serious physical injury. Order to Recast, ECF No. 8 (citing 28 U.S.C. § 1915(g)).

fully and timely comply could result in the dismissal of this case. *Id.*

More than fourteen days passed after entry of that order, and Plaintiff did not take any of the ordered actions or otherwise respond to the order. Therefore, Plaintiff was ordered to show cause why this case should not be dismissed for failure to comply with the previous order. Order to Show Cause, ECF No. 9. Plaintiff was given fourteen days to respond and was cautioned that his failure to do so would result in the dismissal of this action. *Id.*

More than fourteen days have now passed since the order to show cause was entered, and Plaintiff has not responded to that order. Thus, because Plaintiff has failed to respond to the Court's orders or otherwise prosecute this case, his complaint is now **DISMISSED WITHOUT PREJUDICE**. See Fed. R. Civ. P. 41(b); *Brown v Tallahassee Police Dep't*, 205 F. App'x 802, 802 (11th Cir. 2006) (per curiam) ("The court may dismiss an action sua sponte under Rule 41(b) for failure to prosecute or failure to obey a court order.") (citing Fed. R. Civ. P. 41(b) and *Lopez v. Aransas Cty. Indep. Sch. Dist.*, 570 F.2d 541, 544 (5th Cir. 1978)).

**SO ORDERED**, this **24th** day of **May, 2022**.

S/Clay D. Land  
CLAY D. LAND  
U.S. DISTRICT COURT JUDGE  
MIDDLE DISTRICT OF GEORGIA